2000 Review Conference of the

Parties to the Treaty on the

Non-Proliferation of Nuclear Weapons

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ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Background Paper Prepared by the Secretariat of the IAEA

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Article V of the NPT

1. "Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements."

ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

I. History of IAEA Activities

2. The IAEA activities relevant to Article V of the Treaty on the Non-Proliferation of Nuclear Weapons in relation to nuclear explosions for peaceful purposes (PNEs) began in the late sixties on recommendations of the 1968 UN Conference of Non-Nuclear Weapon States (CNNWs)[1] and the decision of the IAEA General Conference in 1968[2]. The United Nations General Assembly subsequently in the same year asked the Secretary General for a report on the establishment within the framework of the IAEA of an international service for nuclear explosions for peaceful purposes under appropriate international control. The Agency convened a series of international technical panels between 1970 and 1976 for the review and dissemination of scientific and technical information on the subject and continued to monitor the literature on PNEs and information on this topic under the International Nuclear Information System (INIS). A glossary of relevant technical terms in four languages (English, French, Russian and Spanish) was completed and published in 1980.[3] A bibliography of literature related to PNEs was first published in 1967[4] and later revised and published in 1980[5].

3. The activities performed by the Agency in this context during the period 1969 to February 1976 were reported to the First Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in document, NPT/CONF/12 and Add.1. Over the succeeding years the Agency has submitted to the NPT Review Conferences reports on its activities in the field of PNEs. These reports may be found in documents: NPT/CONF.II/8 (1980), NPT/CONF.III/11 (1985), NPT/CONF.IV/14 (1990) and NPT/CONF.1995/9.

4. In the Final Declaration of the First Review Conference in 1975,[6] the parties to the NPT recognized the IAEA's responsibility and technical competence in connection with PNEs. The Conference considered the IAEA to be the appropriate international body, referred to in Article V of the Treaty, through which potential benefits from PNEs could be made available to any non-nuclear weapon state. Commending the IAEA for its work in this field, the Conference emphasized the Agency's central role in matters relating to the provision of services for PNEs.

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[1] United Nations document A/7277, resolutions H. IV and H. I.

[2] General Conference resolution GC (XII)/RES/245.

[3] IAEA-TECDOC-226

[4] Bibliographical series, STI/PUB/21/38

[5] Bibliographical series, STI/PUB/21/43

[6] NPT/CONF/35/I

5. In 1975 the Board of Governors of the Agency set up an Ad Hoc Advisory Group on PNEs, which had meetings between September 1975 and August 1977. The Advisory Group was tasked to advise the Board, within the Agency's sphere of competence, on the structure and content of the agreement or agreements necessary under Article V of the NPT. The final report of the Advisory Group (IAEA document GOV/1854, which was annexed to NPT/CONF/II/8) was submitted to the Board of Governors. The report listed principles to be considered in formulating international arrangements for providing PNEs in accordance with the NPT. It also provided proposals for a possible structure of such agreement(s). In response to this report, the Board resolved:[7]

- to keep the subject matter of the report under review and to continue consideration of the matter when appropriate;
- that the services of the Ad Hoc Advisory Group should continue to be available as required;
- to request the Director General to distribute the report to IAEA Member States and to the Secretary-General of the United Nations for the information of its Member States, and to keep the Member States and the Board informed of any developments concerning the subject matter of the report.

The Advisory Group has not met since 1977.

6. In 1976 an IAEA fact finding mission was undertaken to the Qattara Depression in Egypt on invitation of the Egyptian Ministry of Electricity and Energy. The mission did not lead to a request for specific PNE related services. No other requests for PNE-related services or information have been received by the IAEA. Nor has the Agency been informed of any request for PNE related services directed to those states parties to the NPT which possessed nuclear explosive devices.

7. The Third Review Conference of the Parties to the NPT confirmed in 1985 the Agency's role under Article V, but also noted that the potential benefits of the peaceful applications of nuclear explosions had not yet been demonstrated. Although agreement was not reached on a Final Document for the Fourth Review Conference in 1990, the States Parties, in their consideration of Article V of the NPT, once again expressed the view that, if the potential for safe and peaceful applications of nuclear explosions were demonstrated, which it had not been, the IAEA would be the appropriate body through which any such applications would be made available to non-nuclear-weapon States.

The draft report of Main Committee III of the Review and Extension Conference of the NPT in 1995 stated, *inter alia*, concerning Article V:

> "2. The Conference records that the potential benefits of the peaceful applications of nuclear explosions envisaged in article V of the Treaty have not materialized. In this context, the Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that serious

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[7] IAEA document GOV/DEC/94(XX)/Rev.1, decision (50), (51).

concerns have been expressed as to the environmental consequences that could result from the release of radioactivity from such applications and on the risk of possible proliferation of nuclear weapons. Furthermore, no requests for services related to the peaceful applications off nuclear explosions have been received by IAEA since the Treaty entered into force. The Conference further notes that no State party has an active programme for the peaceful application of nuclear explosions.

3. The Conference therefore recommends that the Conference on Disarmament take this situation and future developments into account when negotiating a comprehensive nuclear test-ban treaty."

II. Comprehensive Nuclear Test Ban Treaty

8. The Comprehensive Nuclear-Test-Ban Treaty (CTBT) was opened for signature on 24 September 1996. As of 13 October 1999, 153 States have signed the CTBT and instruments of ratification have been deposited by 51 States. Under Article I of the Comprehensive Nuclear-Test-Ban Treaty:

"1. Each State party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

2. Each State party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion."

Peaceful nuclear explosions are thus prohibited by the CTBT.

9. At the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty held in Vienna in October 1999 the signatories and the ratifiers of the CTBT unanimously reaffirmed in the Final Declaration "their commitment to the Treaty's basic obligations and their undertaking to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force."

III. IAEA Activities since 1995

10. Apart from the addition of a few entries related to PNEs conducted in the past to the INIS (International Nuclear Information System) database, the IAEA has not been engaged in activities related to nuclear explosions for peaceful purposes during 1995-1999.